

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

In re:)	
)	
JANICE KAY WILLIAMS a/k/a)	CHAPTER 13
JANICE KAYE WILLIAMS)	
)	
)	CASE No. 18-25973-MMH
)	
Debtor.)	
<hr style="border: 0.5px solid black;"/>)	
HARD MONEY BANKERS, LLC)	
)	
Movant,)	
)	
v.)	
)	
JANICE KAY WILLIAMS a/k/a)	
JANICE KAYE WILLIAMS)	
)	
Respondent.)	

MOTION SEEKING RELIEF FROM STAY
(4307 Liberty Heights Avenue, Baltimore, MD 21207)

Comes now Hard Money Bankers, LLC (“Movant”), a secured creditor, by Counsel, and moves this Honorable United States Bankruptcy Court for an Order Granting Relief from the Automatic Stay, and in support thereof, states as follows:

1. This Motion is filed pursuant to 11 U.S.C. Section 105(a) and 362(d) and Rules 4001 and 9014 of the Bankruptcy Rules, as hereinafter shall more fully appear.
2. Movant is a scheduled secured creditor of the Debtor’s bankruptcy estate.
3. Movant’s claim is based upon that certain Commercial Flat Rate Promissory Note (the “Note”) dated June 12, 2017 in the principal amount of \$80,000.00 and executed by the

Debtor. A copy of the Note is attached hereto, marked as Exhibit A, and expressly made a part hereof.

4. Repayment of the Note is secured by that certain Deed of Trust Assignment of Rents and Security Agreement dated June 12, 2017 and recorded in Liber 19282, at Page 287 among the Land Records of Baltimore City, Maryland (the "DOT"), by which the Debtor conveyed to Movant, the subject property, which is located at 4307 Liberty Heights Avenue, Baltimore, MD 21207 (the "Property") and which is more particularly described in the DOT. A copy of the DOT is attached hereto, marked as Exhibit B, and expressly made a part hereof.

5. The Debtor has failed to make payments due under the Note and DOT; therefore repayment of the Note is in default.

6. As of February 7, 2019, the amount of the arrears due to Movant under the Note secured by the DOT against the Property includes the following:

Principal - \$80,000.00
Interest - \$21,493.33
Late Charges - \$2,266.66
Unpaid Charges - \$9,108.19
Trust Balance – (\$8,000.00)
Per Diem - \$53.91
Total - \$104,868.18

7. Of the stated arrears, \$100,722.61 is due pre-petition. Arrears in the amount of \$4,145.57 are due post-petition, which constitutes \$3,466.66 in interest, \$480.00 in late charges, and \$198.91 unpaid charges.

8. Cause exists under 11 U.S.C. § 362(d)(1) to grant Movant relief from the automatic stay because the Debtor failed to provide Movant with adequate protection.

9. Movant lacks adequate protection for its security interest due to the Debtor's continued failure to make any payments on the loan (Debtor has not made any payments in a year) and because Debtor violated agreed upon terms for the construction of the Property. Debtor continues to be irreparably harmed by the continuation of the stay of 11 U.S.C. Section 362(a) as the Movant cannot move forward to foreclose upon the Property, and that therefore cause exists for the termination of the stay under 11 U.S.C. § 362(d)(1).

10. Cause also exists to grant Hard Money Bankers, LLC relief from stay under 11 U.S.C. § 362(d)(2).

11. The Debtor has failed to maintain payments due and owing under the Note and Debtor has no equity in the Property. Therefore, the Property is not necessary for an effective reorganization and relief from stay should be granted pursuant to 11 U.S.C. § 362(d)(2).

WHEREFORE, the Movant respectfully moves this Honorable United States Bankruptcy Court for entry of an Order Granting Relief from the Automatic Stay and granting such other and further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ Benjamin P. Smith

Benjamin P. Smith
Federal Bar No. 17680
Shulman, Rogers, Gandal, Pordy & Ecker, P.A.
12505 Park Potomac Avenue
6th Floor
Potomac, MD 20854
Tel: 301-230-5241
Fax: 301-230-2891
bsmith@shulmanrogers.com
Counsel for Movant

CERTIFICATE OF SERVICE

The following parties received electronic notice of this filing this 13th day of February 2019:

Robert S. Thomas, II
Chapter 13 Trustee

ECF@ch13balt.com

Charlene A. Wilson
Counsel for Debtor

charlene.bankratty@prodigy.net

To the extent that the following persons were not served electronically via CM/ECF system, a copy of the **Motion for Relief from Stay** with its **Notice** was first class mailed, postage prepaid, this 13th day of February, 2019, to:

Janice Kay Williams a/k/a
Janice Kaye Williams
1523 N. Milton Avenue
Baltimore, MD 21213
Debtor

/s/ Benjamin P. Smith
Benjamin P. Smith